

Planning Commission Minutes - April 23, 1992

Item 4
Case 5278ABC-92
Hayden Murphy Equipt
9301 East Bloomington
Freeway
Variances to Exterior
Building Materials and
to Reduce Landscaped
Yard From 20 to 5 Feet
Revised Final Site and
Building Plans For Addi-
tion to Existing Building

5:42 PM

Mr. Doyle presented the Staff Report and noted Staff recommends approval of a variance to exterior building material requirements and a variance to reduce the landscaped yard along a public street from 20 to 5 feet subject to five conditions. Staff also recommends approval of revised final site and building plans for an addition to an industrial building at 9301 East Bloomington Freeway subject to eleven conditions. He also noted legal counsel for the applicant has asked that revision of the parking lot fronting on East Bloomington Freeway be given a three year time span for completion instead of requiring completion concurrent with the other improvements to the property. This will spread out the financial impact of capital improvements and allow the applicant to undertake priority improvements immediately. Staff feels this is a reasonable request and suggests that a sixth condition be added that the parking area in front of the building be constructed as per the approved final site plans in Case 5278A-92 by June 1, 1995 and that the property owner post a surety bond to that effect as approved by the Issuing Authority. He also referred to a memorandum from the City's Environmental Services Specialist outlining the areas of compliance for the applicant, which include vehicle wash, vibration, dust control, exterior chemical storage and chemical spills.

To Ms. Hunt questioning permitting the use of concrete block and the possibility of such use setting a precedent for other developers, Mr. Hawbaker said if this were a totally new building the brick or better requirement would apply but the only logical finish in this instance is one that matches the existing finish. He said he is not concerned about this finish because it is the only practical solution to construction of an addition to an older building.

Noting the existing fence is in an advanced state of disrepair, Ms. Hunt questioned the City requiring fencing only along Bryant Avenue. Mr. Doyle said the condition itself addresses only that portion fronting on Bryant Avenue but other conditions ask that other fences be repaired. He explained there is no mandatory screening on either side because this is an industrial area but they have provided some measure of screening and do intend to replace the existing with an interwoven type of chain link fence. That is not a Code issue; it is the choice of the applicant. There is an office/warehouse to the north and he is not sure the cost of providing solid screening would be beneficial because the equipment stored on the property is more than six feet high.

In response to Mr. Gussler's question, Mr. Hawbaker said the City having possession of the bond money will assure completion of the front parking lot but Staff is not concerned with this item because this condition has existed since the warehouse was constructed many years ago, and any improvement within a three year period would be a benefit. Also, this business is better screened than others in the area and the City does not want to be placed in the position of having to compensate for possible encroachment into a setback area in the future.

To Mr. Napier's questions, Mr. Doyle said the condition that no equipment or vehicles be displayed between the building and East Bloomington Freeway is consistent with what the City requires for this type of operation. For some time the applicant displayed

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equipment in the front parking lot but they no longer have room for it so it is not really a problem.

Referring to the letter from Richard Hanson, of Aero-Space Computer Supplies, Inc., complaining about the lack of concern and respect for neighbors exhibited by the applicant, Mr. Doyle said the applicant has been contacted and advised he cannot be in violation of the Code, which covers many of the items about which Aero-Space complained. Because City Staff is not out on sites such as this on a daily basis, knowledge of such abuses reaches Staff only when someone complains or a problem arises. The applicant has been advised their practices have been bothering neighbors and knows ~~they~~ cannot violate Code restrictions.

Bill Griffith, representing the applicant, said the Vice President of Hayden Murphy is overseeing the addition and improvements to the site and is available to answer any questions the Commission might have. He said after learning of the neighbor's complaints, Hayden Murphy met with Aero-Space and has now formed a good basis for an on-going relationship. Addressing the front parking lot, Mr. Griffith said the existing rock berm has encroached into the setback area for a number of years and one of the reasons for delaying construction of that lot is the need to know how expansion of 35W will affect the property. If they proceeded with construction now they could be placed in the position of having to move or remove the lot when improvements are made to I-35W.

Addressing the surety bond mentioned in suggested Condition 6, Mr. Griffith asked if this bond could be replaced with a development agreement, which would be recorded against the property so as to be of record in Hennepin County, and which would free the applicant from having to tie up capital which could be used for other site improvements. Mr. Hawbaker said substituting the surety bond with a development agreement is acceptable to Staff.

Mr. Griffith presented a brief history of the company which was established at this location as an industrial operation over thirty years ago. A few years ago the business was sold to the current owners and they have since restored the company to a healthy state. He listed the improvements undertaken and stressed the plans for further upgrading to make them a better neighbor. They are going beyond Code requirements to clean up the property and present a more acceptable site.

Responding to Ms. Hunt's question, Mr. Griffith said the five to six foot high cyclone fence that runs from the back to Bryant Avenue is old and cannot accommodate the new wider slats that are woven into fences for screening, so the applicant plans to replace that fence with one which will accept the wider slats. He said this replacement will take place concurrent with construction of the building addition.

M/Napier S/Gussler to close the hearing. Motion carried 5-0

M/Napier S/Gussler, having reviewed the findings in Section 2.98.01(b)(3)(A)-(D), in Case 5278AC-92 to recommend approval of variances to exterior building material requirements and to reduce the landscaped yard along a public street from 20 to 5 feet, subject to satisfaction of the following conditions prior to the issuance of any grading or building permits:

- 1) Exterior building materials of the addition shall be the same as that of the existing building and shall be painted to match the existing building;
- 2) The exterior materials variance shall apply only to the addition approved in Case 5278B-92;

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- 3) Exterior materials and color shall be approved by the Director of Planning;
- 4) Three-foot high solid screening as approved by the Director of Planning shall be provided in the 5-foot deep yard area along East Bloomington Freeway;
- 5) No equipment or vehicles shall be displayed between the building and East Bloomington Freeway;
- 6) parking area in front of building be constructed as per approved final site plans in Case 5278B-92 by June 1, 1995. The property owner shall complete a development agreement to that effect as approved by the Issuing Authority.

Motion carried 5-0

M/Napier S/Gussler, having reviewed the findings in Section 19.40.12(d)(1)-(5), in Case 5278B-92 to recommend approval of revised final site and building plans for an addition to an existing industrial building at 9301 East Bloomington Freeway, subject to satisfaction of the following conditions prior to the issuance of any grading or building permits:

- 1) Grading, drainage, utility and erosion control plans be approved by the City Engineer, to include correction of the runoff onto the property to the north;
- 2) A SAC questionnaire be completed and submitted to the Department of Public Works;
- 3) Access, circulation and parking plans for the revised front parking area be approved by the City Traffic Engineer;
- 4) Erosion control measures be in place prior to issuance of grading permits;
- 5) Landscape plan, to include 3-foot high solid screening along East Bloomington Freeway, be approved by the Director of Planning (Sec 19.52);
- 6) Six-foot high solid screening, as approved by the Director of Planning, shall be provided along Bryant Avenue at least 20 feet back from the property line;
- 7) A 20-foot deep landscaped yard shall be provided and maintained along Bryant Avenue as approved by the Director of Planning on the landscape plan;
- 8) Plans be reviewed by Fire and Life Safety Committee;

and subject to the following additional conditions of approval:

- 9) Alterations to utilities be at the developer's expense;
- 10) No equipment or vehicles shall be displayed between the building and East Bloomington Freeway;
- 11) The two storage trailers be removed from the north side of the building;
- 12) A development agreement ensuring that all conditions of approval be completed and filed with the appropriate County office prior to the issuance of any building permits.

Motion carried 5-0

In addition to the above conditions, the following Code requirements must be met:

- 1) All rooftop equipment be fully screened (Sec. 19.52.01);
- 2) Poured-in-place concrete curbs be provided on the perimeter of parking lots and traffic islands (Sec 19.64);
- 3) Disabled parking be provided and designated with standard signage as approved by the Director of Planning (Mn Bldg Code Chapter 1340);

Item 3
Case 9899AB-92

~~Mr. Hawbaker presented the Staff report and stated Staff recommends approval of a conditional use permit and final site plans for a three-lot Neighborhood Unit Development~~

Variances and Final
Site Plan and Building
Plans
Cases 52278ABC-92
Item 5.4
R-92-64

The Council was requested by Hayden Murphy Equipment Company, 9301 East Bloomington Freeway, who are proposing to build an addition to an existing building, to approve a variance to the exterior building material requirements, a variance to reduce the required landscaped yard along a public street from 20 feet to 5 feet, and to approve the revised final site plans and building plans for the addition.

The Planning Commission, at its meeting of April 23, recommended approval of the variances subject to the following conditions:

1. exterior building materials of the addition shall be the same as that of the existing building and shall be painted to match the existing building,
2. the exterior materials variance shall apply only to the addition approved in Case 52788-92,
3. exterior materials and color shall be approved by the Director of Planning,
4. three-foot high solid screening as approved by the Director of Planning shall be provided in the five-foot deep yard area along East Bloomington Freeway,
5. no equipment or vehicles shall be displayed between the building and East Bloomington Freeway,
6. parking area in front of building be constructed as per approved final site plans in Case 52788-92 by June 1, 1995; the property owner shall complete a development agreement to that effect as approved by the Issuing Authority.

The Planning Commission, at the same meeting, also recommended approval of the revised final site and building plans subject to satisfaction of the following conditions prior to the issuance of any grading or building permits:

1. grading, drainage, utility and erosion control plans be approved by the City Engineer,
2. a SAC questionnaire be completed and submitted to the Department of Public Works,
3. access, circulation and parking plans for the revised front parking area be approved by the City Traffic Engineer,
4. erosion control measures be in place prior to issuance of grading permits,
5. landscape plan, to include three-foot high solid screening along East Bloomington Freeway, be approved by the Director of Planning (Sec. 19.52),
6. six-foot high solid screening, as approved by the Director of Planning, shall be provided along Bryant Avenue at least 20 feet back from the property line,
7. a 20-foot deep landscaped yard shall be provided and maintained along Bryant Avenue as approved by the Director of Planning on the landscape plan,
8. plans be reviewed by the Fire and Life Safety Committee,

and subject to the following additional conditions of approval:

9. alterations to utilities be at the developer's expense,
10. no equipment or vehicles shall be displayed between the building and East Bloomington Freeway,
11. the two storage trailers be removed from the north side of the building,
12. a development agreement ensuring that all conditions of approval are completed be filed with the appropriate County office prior to the issuance of any building permits.

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Following discussion, motion was made by Johnson, seconded by Houle, and all voting aye, to adopt a resolution granting the variances based on compliance with the conditions set forth by the Planning Commission, and to approve the revised final site plans and building plans based on compliance with the conditions set forth by the Planning Commission.

~~Resolution 92-05 and
Building Plans for
Addition to Restaurant
Case 638 ABC-92
Item 5.5~~

~~The Council was requested by the Planning Commission to approve the revised final site plan and building plans for an addition to an existing restaurant. The addition would be a solarium on the north side of the building, which would increase the seating area from 76 to 112.~~

~~The Planning Commission, at its meeting of April 23, recommended approval of the revised final site and building plans based on compliance with the following conditions to be satisfied prior to the issuance of any grading or building permits:~~

- ~~1. parking and circulation be approved by the Traffic Engineer,~~
- ~~2. exterior brick shall match the brick of the existing building as approved by the Director of Planning,~~
- ~~3. grading, drainage, utility and erosion control plans be approved by the City Engineer,~~
- ~~4. food service plans be approved by the Environmental Services Division (Sec. 14.360),~~

~~and subject to the following additional conditions of approval:~~

- ~~5. building addition be provided with an automatic fire sprinkler system as approved by the Fire Marshal,~~
- ~~6. an interior trash and recyclable materials storage room be provided as approved by the Director of Planning and Fire Marshal.~~

~~Following discussion, motion was made by Mahon, seconded by Peterson, and all voting aye, to approve the revised final site plans and building plans based on compliance with the conditions set forth by the Planning Commission.~~

~~Approval of Change Order
for New Communications
Center
Item 7.7~~

~~The Council was requested to approve a change order for \$6,600 in the contract with Falls and Nyhusmoen Construction, Inc. for the Communications Center building for installation of additional grounding and lightning protection equipment. The City Manager explained the request for the change order, indicating that in about two weeks there would be an additional request for a change order on the heating/air conditioning and ventilating system and a compilation of other smaller change orders. He said the work covered by this change order will cost about \$6,600, and in checking, it was determined that if the work had been done while the building was under construction, the cost would have been \$200 less. The architect has agreed to absorb the \$200.~~

~~Richard Porth of the Police Department said there are two types of grounding in the building with one being for personal safety and the other for the safety of the equipment. He said this installation would be a type of operational grounding. He asked the architect for the project, David Kroos of Boorman and Associates, to explain what is being done.~~

~~Mr. Kroos said also present was Leonard Koehnen, the City's consultant for the radio system, and Dennis Esterlie, Site Manager for the radio project. Mr. Kroos said the two separate buildings are inter-connected with common communications and electrical service, and there is provision of a common ground between the two buildings by way of the water pipe and electrical conduit. Under a separate contract Ericsson GE provided supplemental grounding for the radio tower. He said three additional ground rods were also installed.~~